

March 20, 2015

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
March 20, 2015

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chairman Fredrick H. Bates, Anita M. Cummings, Garrett P. FitzGerald, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Roneta Taylor (by telephone) and Mike Quinlan (by telephone), Illinois Department of Central Management Services; and Pam Smith (by telephone), Illinois Environmental Protection Agency.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD FEBRUARY 20, 2015

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 WITH CHAIRMAN BATES ABSTAINING, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD FEBRUARY 20, 2015.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	124.....	18
Agriculture.....	326.....	20
Arts Council.....	15.....	2
Capitol Development Board.....	45.....	0
Central Management Services.....	1,365.....	115
Children and Family Services.....	2,605.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	314.....	70
Commerce Commission.....	69.....	0
Corrections.....	10,886.....	99
Criminal Justice Authority.....	52.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	78.....	5
Employment Security.....	1,223.....	32
Environmental Protection Agency.....	783.....	17
Financial & Professional Regulation.....	433.....	49
Gaming Board.....	160.....	6
Guardianship and Advocacy.....	105.....	8
Healthcare and Family Services.....	2,021.....	26
Historic Preservation Agency.....	150.....	14
Human Rights Commission.....	14.....	2
Human Rights Department.....	139.....	9
Human Services.....	12,371.....	75
Illinois Torture Inquiry Relief Commission.....	4.....	1
Independent Tax Tribunal.....	1.....	0
Insurance.....	233.....	16
Investment Board.....	4.....	2
Juvenile Justice.....	1,025.....	25
Labor.....	89.....	11
Labor Relations Board Educational.....	10.....	2
Labor Relations Board State.....	14.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Lottery.....	125.....	7
Military Affairs.....	122.....	3
Natural Resources.....	1,149.....	31
Pollution Control Board.....	20.....	2
Prisoner Review Board.....	17.....	0
Property Tax Appeal Board.....	31.....	1
Public Health.....	1,127.....	42
Racing Board.....	2.....	1
Revenue.....	1,688.....	54
State Fire Marshal.....	127.....	12
State Police.....	1,075.....	7
State Police Merit Board.....	5.....	2
State Retirement Systems.....	98.....	3
Transportation.....	3,084.....	0
Veterans' Affairs.....	1,314.....	9
Workers' Compensation Commission.....	123.....	11
TOTALS.....	44,802.....	869

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
- 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

- As to Item C, the agency asked to withdraw this request.
- As to Item D, the agency asked to continue this request to the April meeting. Staff had no objection to this request.
- As to Item E, this request is from the Environmental Protection Agency. It is for a Chief Information Officer that reports to the Deputy Director who reports to the Director. This position has principal policy responsibility for the information technology program for the agency. Historically, the Commission has approved one such position for each agency. In addition, this position was previously granted a principal policy exemption ten years ago, but had the exemption rescinded in 2010 as a result of the Auditor General's performance audit. The Commission will typically approve resubmitted requests of this nature. For these reasons, Staff recommended approval of this request.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO ACCEPT THE WITHDRAWAL OF THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

C: Ethics and Government Corruption Advisor (State Police)

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO CONTINUE TO APRIL 17, 2015 THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

D: Associate Director, Adult Redeploy Illinois Unit (Criminal Justice Information Authority)

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0, TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

E: Bureau Chief, Information Solutions (Environmental Protection)

The following 4d(3) exemption request was withdrawn on March 20, 2015:

C. Illinois State Police

Position Number	40070-21-00-000-60-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Ethics and Government Corruption Advisor
Incumbent	Vacant
Supervisor	First Deputy Director who reports to the Director
Location	Sangamon County

The following 4d(3) exemption request was continued to April 17, 2015:

D. Criminal Justice Information Authority

Position Number	40070-50-05-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Associate Director, Adult Redeploy Illinois Unit
Incumbent	Vacant
Supervisor	Executive Director
Location	Cook County

The following 4d(3) exemption request was granted on March 20, 2015:

E. Environmental Protection Agency

Position Number	40070-46-25-300-00-01 ¹
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Bureau Chief, Information Solutions
Incumbent	Dominic Saebeler
Supervisor	Deputy Director who reports to the Director
Location	Sangamon County

VI. **CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES AND CONFIDENTIAL ASSISTANTS EXEMPT FROM JURISDICTION B PURSUANT TO SECTION 4D(1) OF THE PERSONNEL CODE**

Executive Director Daniel Stralka explained that he recently decided to submit some of his concerns to Central Management Services for their review prior to making his presentation to the Commission. He noted that it had been five years since he last made a presentation to the Commission on this matter and none of the current Commissioners

¹ This position's 4d(3) exemption was rescinded on August 20, 2010 for extended vacancy.

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were serving at that time. Roneta Taylor, Central Management Services-Technical Services, indicated that they have received Staff's email and are preparing a response. Chairman Bates approved of proceeding in this manner, indicating it would be prudent to consult with Central Management Services first.

VII. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

B. None submitted

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

BATES	YES	CUMMINGS	YES
FITZGERALD	YES	KREY	YES
URLACHER	YES		

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IX. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:10 a.m.

PRESENT

Chairman Fredrick H. Bates, Anita M. Cummings, Garrett P. FitzGerald, Susan Moylan Krey, and Casey Urlacher, Commissioners; and Daniel Stralka, Executive Director.

X. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department.

Executive Director Stralka noted that he had recently met with Central Management Services personnel and the efficacy of this report has been a topic of discussion. Further discussions to improve it were planned.

Agency	1/31/15	2/28/15	2/28/14
Arts Council	1	0	0
Central Management Services	1	1	0
Children and Family Services	3	4	0
Healthcare and Family Services	6	5	0
Human Services	7	4	0
Insurance	1	1	0
Natural Resources	9	4	0
State Retirement Systems	0	0	0
Transportation	3	9	0
Veterans' Affairs	0	0	0
Totals	31	28	0

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XI. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-19-15

Employee	Nyetta N. Robinson	Appeal Date	10/28/14
Agency	Human Services	Decision Date	03/05/15
Appeal Type	Discharge	Proposal for	Discharge upheld.
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 5, 2015.

**BATES YES CUMMINGS YES
FITZGERALD YES KREY YES
URLACHER YES**

XII. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

DA-17-15

Employee	Harry E. Braddock	Appeal Date	10/20/14
Agency	Central Management Services	Decision Date	02/25/15
Appeal Type	Discharge	Proposal for	Dismissed; settled.
ALJ	Andrew Barris	Decision	

S-33-15

Employee	Donald J. Washington	Appeal Date	2/13/15
Agency	Human Services	Decision Date	3/02/15
Appeal Type	Suspension	Proposal for	Dismissed; withdrawn
ALJ	Andrew Barris	Decision	

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEALS.

**BATES YES CUMMINGS YES
FITZGERALD YES KREY YES
URLACHER YES**

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XIII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- As to the annual ethics testing, the incorrect document had been included with the meeting packet. The correct materials would be sent out prior to next month's meeting.
- The Commission had its hearing before the House General Services Appropriation Committee on March 18. There were no questions from the Committee.
- Both Statements of Economic Interest (SOEI) and the new Supplement Statements of Interest (SSI) have been mailed to the Commissioners. The original of the traditional SOEI is to be delivered to him for review as Ethics Officer before filing. He would then file prior to May 1 and provide each Commissioner a date-stamped copy.

The new SSI is to be filed with the Executive Ethics Commission and does not need to be provided to him prior to filing, though he offered to file them on behalf of the Commissioners. Executive Director Stralka also shared with the Commissioners some of the issues with these forms that were raised at a recent Ethics Conference he attended, focusing on the second question of the SSI. A general discussion about these forms ensued in which all the Commissioners participated.

- Staff has concerns regarding employees who were legislatively removed from collective bargaining units pursuant to the Management Bill (P.A. 97-1172). There is a group of approximately 1500 employees who, prior to the Management Bill, had employment protections from both their collective bargaining agreements and the Personnel Code. Upon their removal from their collective bargaining unit, they were now only protected by the Personnel Code. Based on the lack of appeals from this group, Staff has concerns that they were unaware of their Personnel Code protections. Therefore, Staff has given consideration to identifying this group with specificity and sending them a communication to ensure they were aware of their Personnel Code protections. Executive Director Stralka already had initial discussions with Central Management Services about obtaining a listing of these employees and Central Management Services had indicated it was achievable. The means and content of such a communication had not been established with any certainty. A general discussion of proceeding in this manner ensued in which all the Commissioners participated. Upon its conclusion, it was the consensus of the Commissioners that the Staff should present a draft communication to all the Commissioners prior to the April meeting for further consideration.
- After consideration, it was the consensus of the Commissioners to retain the 2015 meeting schedule as it is presently set.
- In October 2014 the Commission sent a letter to the Illinois Department of Transportation, Central Management Services, and the Governor's Office addressing concerns over potential issues with the agency's classification of "technical" employees that were uncovered as a result of the Office of Executive Inspector

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General's (OEIG) investigation. With the change in administration, he sought the Commissioners approval to resend this letter to the original recipients' officers. After a brief discussion during which Chairman Bates agreed that we should be engaged in this process, it was the consensus of the Commissioners to resend the letter.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, April 17, 2015 at 11:00 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:25 A.M.